



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,305	02/08/2001	Gabriel C. Whyel	1009-2	4545

7590 07/23/2004

Dilworth & Barrese, LLP  
333 Earle Ovington Blvd.  
Uniondale, NY 11553

EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 07/23/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/779,305

Applicant(s)

WHYEL, GABRIEL C.

Examiner

Djenane M Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,360,205 to Iyengar et al.

- a. As per claim 1, Iyengar et al teaches an interactive scheduling system for performing a scheduling process, the system comprising: at least one end user computer operable by one of a plurality of end users for transmitting scheduling requests via a network (See col. 3, lines 30-38); at least one service provider computer operable by one of a plurality of service providers for transmitting service schedules via the network (See (See col. 6, lines 60-65); and a central controller for receiving said scheduling requests and said service schedules and performing said scheduling process, where said scheduling process includes providing said service schedules to said plurality of end users via the network to enable said plurality of end users to transmit said scheduling requests for services provided by said plurality of service providers and to determine if at least one available date and time of said service schedules matches said transmitted scheduling

Art Unit: 2141

requests (See col. 3, lines 53-57 and col. 7, lines 47-50 Remarks : Iyengar et al teaches a server machine which performs the same functions as the central controller).

b. As per claim 2, Iyengar et al teaches wherein said central controller further comprises a central database linked to said central controller (See col. 8, lines 9-28).

c. As per claim 3, Iyengar et al teaches wherein the central controller includes a plurality of data structures for performing said scheduling process including: an end user data structure for maintaining data on said plurality of end users (See col. 8, lines 10-24); and a service provider data structure for storing data about said plurality of service providers (See col. 8, lines 52-64).

d. As per claim 5, Iyengar et al teaches the claimed invention as described above. Furthermore, Iyengar et al teaches wherein the central controller includes a plurality of data structures for performing said scheduling process including: an appointment data structure for storing appointment events between one of said plurality of end users and said plurality of service providers; and an appointment/resource mapping data structure for mapping resources to said appointment events (See col. 14, lines 55-67)

e. As per claim 6, Iyengar et al teaches wherein the central controller includes a plurality of data structures for performing said scheduling process including: a resource cache data structure for storing data defining available and non-available times for servicing said schedule requests; and a service/resource mapping data structure for

Art Unit: 2141

mapping resources to services provided by said plurality of service providers (See col. 11, lines 43-55).

f. As per claim 7, Iyengar et al teaches a controller apparatus for managing interactive time scheduling between a plurality of service providers and a plurality of end users seeking to secure a service with at least one of said plurality of service providers, said controller apparatus comprising: means for receiving schedule requests received from said plurality of end users (See col.3, lines 33-38) means for storing a plurality of service time and day schedules received from said plurality of service providers (See col. 9, lines 36-67); means for displaying one of said plurality of service time and day schedules in response to a schedule request received from one of said plurality of end users (See col. 11, lines 19-34); means for determining scheduling availability in response to said one of said plurality of end users requesting a service time and day from one of said displayed plurality of time and day schedules (See col.7, lines 48-60); and means for transmitting an approval or rejection to said one of said plurality of end users based on said determined schedule availability (See col. 11, lines 18-35).

g. As per claim 8, Iyengar et al teaches wherein the means for determining schedule availability further comprises means for determining an available appointment / reservation time and day slot corresponding to said requested service time and day (See col. 11, lines 18-35).

Art Unit: 2141

h. As per claim 9, Iyengar et al teaches means for proposing an alternative time and/or day slot where said requested time and day slot is determined to be unavailable (See col. 19, lines 43-57 and figure 24).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,205 to Iyengar et al in view of U.S. Patent No. 5,862,223 to Walker et al.

a. As per claim 4, Iyengar et al teaches the claimed invention as described above. However, Iyengar et al teaches wherein the central controller includes a plurality of data structures for performing said scheduling process including: a resource data structure for storing for each of said plurality of service providers a capacity to provide resources associated with the services; and a service data structure for storing a description of resources regarding the services provided by said plurality of service provider.

Walker et al teaches wherein the central controller includes a plurality of data structures for performing said scheduling process including: a resource data structure for storing for each of said plurality of service providers a capacity to provide resources

Art Unit: 2141

associated with the services; and a service data structure for storing a description of resources regarding the services provided by said plurality of service provider (See col. 14, lines 25-41).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the central controller includes a plurality of data structures for performing said scheduling process including: a resource data structure for storing for each of said plurality of service providers a capacity to provide resources associated with the services; and a service data structure for storing a description of resources regarding the services provided by said plurality of service provider as taught by Walker et al in the claimed invention of Iyengar et al in order to maintain data on the service providers (See col. 14, lines 25-26).

b. As per claim 10, Iyengar et al teaches means for verifying the identify of said one of said plurality of end users requesting said service time and day slot (See col. 19, lines 24-43 and figure 22b).

c. As per claim 11, Iyengar et al teaches means for charging said one of said plurality of end users after transmitting said approval of the request (See figure 25 and col.58-62).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2141

U.S. Patent No. 6,748,364 to Waytena et al teaches assigning and managing patron reservations for distributed services using wireless personal communication devices.

U.S. Patent No. 5,864,818 to Feldman teaches and automated hotel reservation processing method and system.

U.S. Patent Application No. 2001/0053989 to Keller et al teaches a computer implemented system and method for booking airline travel itineraries.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit: 2141

Djenane Bayard

July 13, 2004

A handwritten signature in black ink, consisting of several sharp, vertical strokes followed by a series of smaller, more fluid strokes, ending in a long horizontal line that tapers off to the right.

**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**